

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

Angelica Junious,

Plaintiff,

v.

Sgt. W. Baker #3159, et al.,

Defendants.

No. 22 C 3681

Honorable Charles R. Norgle

Magistrate Judge Sheila M. Finnegan

**DEFENDANTS' RESPONSE IN OPPOSITION TO PLAINTIFF'S MOTION
PURSUANT TO LOCAL RULE 40.3(b)(2) TO REASSIGN THE INSTANT
CASE TO THE ORIGINALLY ASSIGNED JUDGE AND MAGISTRATE JUDGE**

NOW COMES, Defendants, SGT. BAKER, LT. PURCELL, COOK COUNTY SHERIFF TOM DART, and COOK COUNTY (collectively, "Defendants"), by their attorney, KIMBERLY M. FOXX, State's Attorney of Cook County, through her Assistant State's Attorneys, ANTONIO LEE and AMANDA C. GUERTLER, and respond to Plaintiff ANGELICA JUNIOUS ("Plaintiff") Motion Pursuant to Local Rule 40.3(b)(2) to Reassign the Instant Case to the Originally Assigned Judge and Magistrate Judge ("Motion") (Dkt. 12) as follows:

ARGUMENT

The Executive Committee properly assigned this case before this Honorable Court, based on Plaintiff's intentional acts of voluntarily dismissing the previous case before Judge Chang, and filing a new lawsuit against Defendants. For purposes of judicial economy and efficiency, reassignment to the previous judge is not prompted given the premature stage of litigation for this matter.

Procedures implementing the random case assignment system under L.R. 40.1 were properly followed for the case at bar. In the Northern District of Illinois, pursuant to L.R. 40.1,

cases are assigned or reassigned for the purposes of equitable distribution, both in quantity and kind, among judges. L.R. 40.1

Here, Plaintiff intentionally initiated a new proceeding, which received a random assignment before this Court. *See* Dkt. No. 1-1, Section V. Shortly after filing an amended complaint on July 6, 2022 in Case No. 22-cv-1702 before Judge Chang (Dkt. No. 10, 22-cv-1702), Plaintiff filed a notice to voluntarily dismiss the lawsuit on July 12, 2022. *Id.* Dkt. No. 17. On July 12, 2022, Judge Chang granted Plaintiff's voluntary dismissal and terminated the civil case. *Id.* at Dkt. No. 18. Because Plaintiff's Civil Cover Sheet indicated "Original Proceeding" under Section V for this case, the Executive Committee properly assigned the matter before this Court. *See* Dkt. No. 1-1, Section V. Accordingly, Local Rules 40.1 and 40.2 were properly followed when Plaintiff filed this new lawsuit. Indeed, "no one should be able to manipulate the assignment system in order to determine in advance which judge will get a case where the assignment is by lot." L.R. 40.1. Therefore, Defendants respectfully request this Honorable Court to deny Plaintiff's Motion, which runs counter to the random assignment system that the District has relied upon for more than 50 years.

CONCLUSION

WHEREFORE, Defendants respectfully request this Court to deny Plaintiff's Motion to Reassign Judge Chang and Magistrate Judge Valdez, and grant any other relief deemed proper and necessary.

Respectfully submitted,

KIMBERLY M. FOXX
State's Attorney of Cook County

By: /s/ Antonio Lee
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CERTIFICATE OF SERVICE

I, Assistant State's Attorney, Antonio Lee, hereby certify that *Defendants' Response in Opposition to Plaintiff's Motion Pursuant to Local Rule 40.3(b)(2) to Reassign the Instant Case to the Originally Assigned Judge and Magistrate Judge* was served upon Plaintiff's counsel via the CM/ECF filing system on August 2, 2022.

/s/ Antonio Lee
Antonio Lee